



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION  
*"Creating Community Through People, Parks and Programs"*  
Russ Guiney, Director

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December 06, 2011

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF CARE AND MAINTENANCE SERVICES  
CONTRACT WITH MARIPOSA LANDSCAPES, INC.  
FOR PETER F. SCHABARUM REGIONAL PARK UME TREE GROVE  
(SUPERVISORIAL DISTRICT 4) (3 VOTES)**

**SUBJECT**

This action is to award a care and maintenance services contract to Mariposa Landscapes, Inc. for Peter F. Schabarum Regional Park Ume Tree Grove, collectively referred to as the "Ume Tree Grove."

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find the proposed action is categorically exempt from the California Environmental Quality Act in accordance with Section 15301(h) of the California Environmental Quality Act Guidelines and Class 1(j) of the Environmental Document Reporting Procedures and Guidelines, adopted by your Board on November 17, 1987, because the contract involves landscape and grounds maintenance of existing landscaping.
2. Find that the recommended contract for care and maintenance services can be more economically performed by an independent contractor than by Los Angeles County employees for the Peter F. Schabarum Regional Park Ume Tree Grove.
3. Approve and instruct the Mayor to sign a one-year contract with Mariposa Landscapes, Inc for care and maintenance services, for the Peter F. Schabarum Regional Park Ume Tree Grove, for an annual base contract cost of \$37,488 for one year with four one-year renewal options, for a maximum potential term of five years, and a anticipated total of \$187,440. This amount does not

include the contingency or Cost of Living Adjustments, if any, to be exercised by the Director of the Department of Parks and Recreation effective upon Board approval.

4. Authorize the Director of the Department of Parks and Recreation to exercise the four contract renewal options annually, if in the opinion of the Director of the Department of Parks and Recreation, the contractor has successfully performed the previous contract period and the services are still required and are cost effective. Such renewal may include a Cost of Living Adjustment, per option year, subject to approval by the Chief Executive Office.

5. Authorize the Director of the Department of Parks and Recreation to increase the Ume Tree Grove contract cost by ten percent as needed during each Contract year totaling up to \$18,744 as a contingency amount for unforeseen services/emergencies and/or additional work within the scope of the contract, which could increase the total annual Contract to a maximum \$41,236.80 per year.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The recommended contract is for care and maintenance services for the Ume Tree Grove at Peter F. Scharbarum Regional Park. The private sector has been providing care and maintenance services for the Ume Tree Grove since January 2005. The requested actions are part of the continuing effort by the Department of Parks and Recreation (Department) to provide the best possible service to the public in a cost-effective manner.

### **Implementation of Strategic Plan Goals**

The recommended contract will further the County's Strategic Plan Goals of Operational Effectiveness (Goal 1), through the provision of quality maintenance services at a savings over County of Los Angeles (County) costs, and Community and Municipal Services (Goal 3), by enriching the lives of County residents and visitors by ensuring quality regional open space, recreational and public works infrastructure services for County residents, and deliver customer oriented municipal services to the County's diverse unincorporated communities.

### **FISCAL IMPACT/FINANCING**

In accordance with County policy, the contract contains a Cost of Living Adjustment (COLA) provision based on an annual rate as determined by the Chief Executive Office (CEO), whereby the Director of the Department of Parks and Recreation (Director), at his sole discretion, may increase the Contractor's compensation during the option years. The COLA adjustment rate is capped at the lesser of: the most recently published percentage change in the Bureau of Labor Statistics, Los Angeles-Riverside-Orange County, Consumer Price Index for Urban Consumers for the 12-month period preceding the contract anniversary date; or the general salary movement percentage for County employees for the 12-month period preceding the prior July 1st.

The decision to include the COLA is based on the Department's experience that the Contractor may incur an increase in costs, such as insurance premiums, fuel, etc., during the option years, which could impact their performance. As a result, this provision allows the Director to review cost information during the option years to determine if the COLA is justified subject to approval by the CEO. The Department will comply with the newly adopted Board policy to exclude the cost of labor from the base upon which a COLA is calculated, unless the Contractor can show that his/her labor cost will actually increase.

The Proposition A cost analysis indicates that the recommended contract for care and maintenance services can be performed more economically by the private sector. The total annual cost to provide care and maintenance services is \$54,544 which represents the Contractor's direct cost of \$37,488 plus the Department's indirect cost of \$17,056. This represents an estimated savings of \$39,505 from the estimated annual County cost of \$94,049.51 to perform similar services for one year (Attachments I, II and III).

The Department will not request that the Contractor perform services that will exceed the approved maximum contract amount, which may include the ten percent contingency fee or COLA increase without the prior approval of the Board.

## **OPERATING BUDGET IMPACT**

Based on the recommended actions, the base contract cost will increase from an annual amount of \$24,872 to \$37,488 for an increase of \$12,616. Sufficient funding is available in the operating budget to absorb this anticipated increase and the cost of contingencies and COLA adjustments.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Proposition A cost analysis indicates that the recommended contracted care and maintenance services can be performed more economically by the private sector. (Attachments I, II and III).

The Contractor has agreed to comply with the County's Living Wage Program and Proposition A requirements. The contract complies with all of the requirements of the Los Angeles County Code, Section 2.201 and Chapter 2.121.

In compliance with the provisions of Los Angeles County Code Sections 2.121.250 through 2.121.420, the Department solicited proposals from private contractors for care and maintenance services for the Ume Tree Grove.

The mandatory requirements for contracting as identified in Section 2.121.380 of the Los Angeles County Code have been met.

Proposition A contracts valued under \$1 million are no longer reviewed by the County's Auditor-Controller for cost-effectiveness, as stated in their memo of October 2, 2003. Therefore, the Proposition A cost analysis was performed internally using the guidelines and methodologies consistent with the Auditor-Controller procedures.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting your Board's ordinances, policies, and programs, including but not limited to: County's Greater Avenues for Independence (GAIN) and General Relief Opportunities for Work (GROW) Programs, Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code Chapter 2.202; Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that

provide for contract termination or renegotiation.

The California State Department of Industrial Relations, Division of Labor Standards Enforcement, has returned its report indicating no negative information on the Contractor.

The Contractor has executed the attached contract and will provide the required insurance policies prior to the start of this contract naming the County and the Department Districts as additional insureds.

County Counsel has approved the contract as to form.

### **ENVIRONMENTAL DOCUMENTATION**

The approval of this contract is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15301(h) of the State CEQA Guidelines and Class 1(j) of the Environmental Document Reporting Procedures and Guidelines, adopted by your Board on November 17, 1987, because the project involves landscape and grounds maintenance of existing landscaping.

### **CONTRACTING PROCESS**

On May 4, 2011, the Department commenced solicitation for care and maintenance services by posting a notice for Request For Proposals (RFP) on the County "Doing Business with Us" website and included a link to download the solicitation package and bilingual instructions on how to contact the Department regarding this RFP. The Department also solicited for care and maintenance services by placing an ad in the San Gabriel Valley Tribune. The ads ran in the paper on May 16 and May 23, 2011. Attachment IV is a listing of contractors who are registered for care and maintenance services on the Internal Services Department's Website and received notification of this project.

On May 26, 2011, 8 companies attended the Mandatory Proposer/Site Visits Conference. On June 13, 2011, the Department received three proposals. All proposals were reviewed to ensure compliance with mandatory minimum requirements outlined in the RFP. One proposal was disqualified because it did not meet minimum requirements. Proposer did not request a disqualification review.

The evaluation committee consisted of two Department employees and one outside county department employee. The committee reviewed each proposal for business experience, qualifications, staffing plan requirements, compliance with the Living Wage Program requirements, quality control plan and the ability to accomplish the required park maintenance services. All proposals were evaluated and rated using the informed averaging methodology. There were no protests resulting from this solicitation.

Based on the evaluation criteria and the evaluations, it is recommended that the contract for these services be awarded to the highest-rated proposal, Mariposa Landscapes, Inc.

Attachment V reflects the Contractor's minority participation. It should be noted that upon final analysis and award, the Contractor was selected without regard to gender, race, creed, or color.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The award of this contract will not infringe on the role of the County in its relationship to its residents, and the County's ability to respond to emergencies will not be impaired. In addition, the County has determined that it has alternative resources available in the event of a default. This contract will not result in the displacement of any County personnel, as these services are currently being performed by the private sector. Therefore, there will be no impact to existing staff or service levels.

**CONCLUSION**

It is requested that an adopted copy of the action taken by your Board and three fully executed copies of the attached contract be forwarded to the Department of Parks and Recreation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Russ Guiney", is written over a light blue horizontal line.

RUSS GUINEY  
Director

RG:RM:KEH  
CWK:CM:ls

Enclosures

c: Chief Executive Officer  
County Counsel  
Executive Officer, Board of Supervisors